REMARKS

Claims 23, 24 and 27-48 are pending in the application.

Claims 28, 29, 32, 40, 43, 44, 45, 47, and 48 have been rejected.

Claims 28, 40, 44, 45, 47, and 48 have been amended as set forth herein.

Claims 1-22, 25 and 26 have been previously cancelled; claim 31 is cancelled herein

Reconsideration of the claims is respectfully requested.

I. ALLOWABLE SUBJECT MATTER

The Examiner objected to Claims 30, 31 and 33-37 as being dependent upon a rejected base claim, but suggested that Claims 30, 31 and 33-37 would be allowable if they were rewritten in independent form including all the limitations of the base and intervening claims.

II. CLAIM REJECTION UNDER 35 U.S.C. §102

Claims 44 and 48 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,529,066 to *Guenot et al.*, hereinafter "Guenot". Claims 44 and 48 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,867,013 to *Yu*, hereinafter "Yu". This rejection is respectfully traversed. A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. MPEP § 2131, p. 2100-67 (8th ed., rev. 5, August 2006) (*citing In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990)). Anticipation is only shown where each and every limitation of the claimed

invention is found in a single prior art reference. *Id.* (*citing Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987)).

Claims 44, 45, and 48 are amended to specify that the "partially offsetting" is performed using a MOSFET leakage current, as described , *e.g.*, on pages 20-24 of the specification as filed. This is not taught or suggested by the art of record, alone or in combination, so the anticipation rejections are believed moot.

Accordingly, the Applicants respectfully request the Examiner withdraw the § 102 rejection with respect to these claims.

III. CLAIM REJECTION UNDER 35 U.S.C. § 103

Claims 28, 29, 32 and 47 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,529,066 to *Guenot et al.*, hereinafter "Guenot" or U.S. Patent No. 5,867,013 to *Yu*, hereinafter "Yu" in view of U.S. Patent No. 6,445,167 to *Marty*, hereinafter "Marty". The Applicants respectfully traverse the rejection.

Claims 40, 43 and 45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,529,066 to *Guenot et al.*, hereinafter "Guenot" or U.S. Patent No. 5,867,013 to *Yu*, hereinafter "Yu" in view of U.S. Patent No. 6,362,605 to *May*, hereinafter "May". The Applicants respectfully traverse the rejection.

In rejecting claims under 35 U.S.C. § 103(a), the examiner bears the initial burden of establishing a *prima facie* case of obviousness. (*In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). See also *In re Piasecki*, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed. Cir. 1984)). It is incumbent upon the examiner to establish a factual basis to support the

legal conclusion of obviousness. (*Id.* at 1073, 5 USPQ2d at 1598). In so doing, the examiner is expected to make the factual determinations set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 17, 148 USPQ 459, 467 (1966), *viz.*, (1) the scope and content of the prior art; (2) the differences between the prior art and the claims at issue; and (3) the level of ordinary skill in the art. In addition to these factual determinations, the examiner must also provide "some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." (*In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir 2006) (cited with approval in *KSR Int'l v. Teleflex Inc.*, 127 S. Ct. 1727, 1741, 82 USPQ2d 1385, 1396 (2007)).

Absent such a *prima facie* case, the applicant is under no obligation to produce evidence of nonobviousness. MPEP § 2142, p. 2100-125 (8th ed. rev. 5, August 2006). To establish a *prima facie* case of obviousness, three basic criteria must be met: *Id.* First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. *Id.* Second, there must be a reasonable expectation of success. *Id.* Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *Id.* The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *Id.*

Claims 28, 40, and 47 are amended to include a limitation previously found in claim 31 (now cancelled) and indicated by the Examiner as allowable. The obviousness rejections are therefore believed moot.

Claims 44, 45, and 48 are amended to specify that the "partially offsetting" is performed using a MOSFET leakage current, as described , *e.g.*, on pages 20-24 of the specification as filed.

This is not taught or suggested by the art of record, alone or in combination, so the rejections are believed moot.

Accordingly, the Applicants respectfully request the Examiner withdraw the § 103 rejection with respect to these claims.

All rejections are traversed.

CONCLUSION

As a result of the foregoing, the Applicants assert that the remaining claims in the Application are in condition for allowance, and respectfully requests that this Application be passed to issue.

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicants respectfully invite the Examiner to contact the undersigned at the telephone number indicated below or at ***wmunck@munckbutrus.com***.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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